

April 9, 2014

Howard M. Shanker
The Shanker Law Firm, PLC
700 E. Baseline Road, Bldg. B
Tempe, AZ 85283-1296

RE: STOPP
Water Resources Analysis
Tonopah Site for Hickman Egg & Poultry Facility

Mr. Shanker:

Attached for your consideration is my analysis accompanied by written definitions of various 'water' terms related to groundwater usage for the above referenced site. Also is a history of legal precedence of surface water in Arizona, which I understand was requested by your office.

Additionally attached is a copy of my letter (2/11/14) to several local government entities (EPA contacts are copied also) request in writing their oversight of the Tonopah project. Also, this letter formally requested a Comprehensive Environmental Study be completed by Hickman's (Billy Hickman's copy sent Return Receipt Requested). The only response received was from Arizona Department of Water Resources, who acknowledged their awareness of the project and promise of oversight.

The following is that bullet point of issues I believe to be critical to the proposed site's water use:

- The Hickman site is within the Active Management Area (AMA) and subject to water management and extensive provisions (groundwater overdraft can be severe in this area, particularly in a 100-yr drought).
- Arizona Department of Water Resources issues all permits (change in ownership, re-drilling, pump capacity change, regular usage reports, water conservation plan, etc.).
- The 1980 Groundwater Management Code (Code) provisions include annual withdrawal and use reporting (subject to audit for compliance and management – likely public documents).
- Under the Code, 'irrigate' means to apply water to two or more acres of land to produce plants for sale or human consumption or as feed for livestock (not for cleaning of feces, eggs, or animal housing.)
- The 1986 Lakes Bill does not allow ponding of water greater than 122,230 sq ft within the AMA, and ponds cannot use groundwater. Hickman site will use multiple 'water/sludge ponds'.
- The Statewide Water Advisory Group (established in 2006 with the Governor's office) passed four bills into law in FY2007. The third bill prohibits the drilling of a well if it causes poor quality water to be drawn into another well.
- The Code directs ADWR to develop and implement water conservation requirements for agricultural, municipal and industrial water users in five consecutive periods. The Fourth Management Period is 2010-2020. Each management plan contains more rigorous water conservation and management requirements with each successive period.
- The Code requires users to pay an annual groundwater withdrawal fee.

Taking these laws and facts into consideration, I believe the well water users of Tonopah are in jeopardy. Hickman advised they will use pumped groundwater to clean chicken houses and cleanse eggs (uses not allowed under the Code nor the Lakes Bill). This type of usage will likely deplete the sole source of water for Tonopah

residents through excessive use, particularly during a 100-year drought period. The replenishment of a depleted water source is the Central Arizona Project to augment the need. The quality of CAP water would require expensive treatment to ensure its quality for consumption.

Finally, the Hassayampa River Watershed is the nation's second largest aquifer, and happens to be the aquifer from which Tonopah pumps water. This aquifer originates in the northern Bradshaw Mountains and flows southward through the Upper Hassayampa groundwater basin to the Gila River. The Gila River, like the Hickman Facility is within the Phoenix AMA. The potential for contamination of this precious resource is increased by ponding/water seepage at the Hickman Facility.

The goal to conserve water as a resource is to avoid sub-quality water remediation within the Central Arizona Groundwater Replenishment District. Tonopah does not have, nor can it finance, a water treatment plant to remediate poor quality, would be the likely result of their usage of pumped water for cleaning of a large chicken manufacturing facility.

Thank you for considering my comments. If you have any questions, please contact me at 602.738.0907.

Sincerely,



Randi M. Hill
4446 N 355 Avenue
Tonopah, AZ 85354

Attachments:

- Definition of Terms
- History of Water Law
- LtrRequest for Comprehensive Environmental Study (February 11, 2014)